

**STATEMENT OF BASIS AND PURPOSE AND STATEMENT OF EMERGENCY  
FOR AMENDMENT OF THE DEPARTMENT OF PERSONNEL &  
ADMINISTRATION, DIVISION OF CENTRAL SERVICES**

**1 CCR 103-1**

The Executive Director's authority to adopt central services rules is provided by section 24-30-1105(1)(c) C.R.S (2003).

Section 24-30-1104(2), C.R.S. (2003) requires the Division of Central Services to establish and manage a central state motor vehicle fleet system. Among other things, the Division of Central Services was charged with establishing and operating central facilities for the maintenance, repair, and storage of state-owned passenger motor vehicles, adopting uniform rules and regulations for motor vehicle acquisition, operation, maintenance, repair, and disposal standards. Until the passage of HB 04-1009, the executive branch of the state of Colorado, its departments, institutions, and agencies were required to use the State Fleet Management program.

House Bill 04-1009 provides authority for institutions of higher education to opt out of the state motor vehicle fleet program. The statutes in HB 04-1009 are not self-executing and require administrative construction due to inadequate lead times for the Executive Director of the Department of Personnel & Administration to discharge his duties under 24-30-1102(2) C.R.S. (2003). Further, the permanent rulemaking process did not afford sufficient time to comply with the given July 1, 2004 effective date of House Bill 04-1009. Given the state fleet management allocation process, the Department of Personnel & Administration must determine all state agencies' and other higher education institutions' allocations at least six (6) months prior to the start of the fiscal year for which the budget and associated allocations are effective. In order to ensure an orderly process consistent with budgetary and appropriation requirements, while ensuring that the State will have sufficient funding for the State Fleet Management program, emergency rules are necessary to provide a specific process to carry out the legislative intent to enable institutions to opt out of the State Fleet Management program. Notice of the emergency rules was shared in a meeting of the Motor Vehicle Advisory Council (MVAC) and a copy of the Emergency Rule has been posted on the State Fleet Management website. Additionally, the permanent Central Services Rules are being revised and following the rulemaking process, a hearing on the proposed changes will be held on Tuesday, August 31, 2004.

Pursuant to section 24-4-103(6), C.R.S. (2003), the Executive Director finds that immediate adoption of the rule is imperatively necessary to comply with House Bill 04-1009 and that compliance with the requirements of section 24-4-103(6), C.R.S. (2003) would be contrary to the public interest. Pursuant to section 24-4-103(4)(b), C.R.S. (2003), the Executive Director also finds that: (1) there is a demonstrated need for the rule; (2) the proper statutory authority exists for the rule; (3) to the extent practicable, the rule is clearly and simply stated so that its meaning will be understood by any party required to comply with the rule; (4) the rule does not conflict with other provisions of law, and (5) any duplication or overlap of regulations has been explained by the agency.

Adopted on August 18, 2004, this rule shall be effective on August 18, 2004.

  
Jeffrey M. Wells  
Executive Director